

## ***REMARKS***

The application includes claims 1-52.

The Examiner allows claims 4, 5, 7-13, 17, 18, 20-26, 30, 31, 33-39, 43, 44 and 46-52.

The Examiner objects to claims 1, 4, 7, 10, 11 and 27-39 because of informalities.

The Examiner rejects claims 1-3, 6, 14-16, 19, 27-29, 32, 40-42, and 45.

The Applicant amends claims 10, 27, 30, 33, 36 and 37, herein.

No new matter has been added.

### ***Objection of claims 1, 4, 7, 10 and 11 per MPEP 2106 C and 2111.04***

As previously argued with respect to MPEP 2111.04, Applicant agrees that the feature or features that follow the term “configured to” serve as a limitation of the respective claims. Claim 10 has been amended to replace “identify” with “identity” as requested by the Examiner, the word “identify” having been included as a typographical error. Applicant therefore believes that the objections to claims 1, 4, 7, 10 and 11 are overcome.

### ***Objection of claims 27, 30, 33, 36 and 37***

Whereas the Applicant may be its own lexographer, and whereas a “storage medium” is adequately described in the specification, Applicant nevertheless agrees to replace “storage medium, the storage medium” with a “computer-readable medium” in claims 27, 30, 33, 36 and 37 in order to facilitate bringing this case to allowance. Applicant remarks that the amendments to claims 27, 30, 33, 36 and 37 are not being made to overcome any reference and furthermore that the amended language does not serve as a further limitation of the claims.

### ***35 USC §103 Rejection of Claims 1, 3, 6, 14, 16, 19, 27, 29, 32, 40, 42, and 45***

The Examiner rejects claims 1, 3, 6, 14, 16, 19, 27, 29, 32, 40, 42, and 45 under 35 U.S.C. § 103(a) according to Iwama et al (U.S. Patent U.S. 2003/0235187) in view of Lor et al. (U.S. Patent 7,082,133).

The rejection is traversed.

Amended claim 1 recites, in part, a processor configured to:

- receive from the called device a reply message;
- analyze the reply message for inclusion of an attribute of the called device associated with the connection session;
- infer from the reply message the attribute that is not included in the reply message; and
- transmit data to the called device using the inferred attribute.

Applicant traverses the rejection because none of the references, alone or in combination, disclose analyzing a reply message for inclusion of an attribute of the called device. Iwama discloses a method for determining whether the calling address contained in the call setup signal has been registered. However, determining whether or not the calling address has been registered is not judged by analyzing a reply message for its inclusion, rather Iwama judges that the calling address is unregistered if it is not included in a register as address S1005 (page 11, paragraph 119). Neither of the register or the registry address S1005 is a reply message.

The rejection is further traversed because neither Iwama nor Lor, alone or in combination disclose inferring from a reply message an attribute that is not included in the reply message. For example, the calling address contained in the call setup signal S1004 that is described on page 11, paragraph 119 of Iwama is not inferred from a reply message, rather it is read from the call setup signal S1004. The registration status of the calling address is also not inferred from a reply message, rather it is looked up in a register as address S1005. Neither of the calling address or the registration status in Iwama is inferred from a reply message.

As already identified by the Examiner, Iwama fails to disclose inferring the attribute. Instead the Examiner cites the Lor reference at column 38, lines 33-42, presumably with reference to the port number assigned for the transmission of data packets. The Well-Known Ports (WKP) disclosed by Lor are expressly assigned by the H.323 host call for all call setup messages, such that the station knows that the packet belongs to a H.323 process. The station knows that the packets belong to the H.323 process because the destination port number is included in the TCP packet header (column 38, line 40). The WKP port is therefore assigned by the host call and read by the station. Lor does not disclose an attribute that is inferred from a reply message.

In addition, Iwama expressly teaches away from combining a judgment of whether the calling address contained in the call setup signal S1004 has been registered, with the assignment of a WKP port described by Lor. At page 11 paragraph 0119, Iwama states that “if the calling address is judged to be unregistered... a reject signal is transmitted.” Iwama therefore teaches away from inferring a WKP port or any other attribute; instead teaching that the communication is simply rejected by router 107. Inferring a WKP port of Lor with the call setup signal would not resolve the problem that a calling address has not been registered. The combination of Iwama and Lor would fail to operate, the unregistered communication already having been rejected by router 107.

Claims 3, 6, 14, 16, 19, 27, 29, 32, 40, 42, and 45 as amended and as previously presented are allowable for the same or similar reasons as amended claim 1, in addition to the further novel features they recite.

### ***35 USC §103 Rejection of Claims 2, 15, 28 and 41***

The Examiner rejects claims 2, 15, 28, and 41 under 35 U.S.C. § 103(a) according to Iwama et al in view of Lor et al. and Kato (U.S. 6,940,819)

The rejection is traversed. Combining the references of Iwama and Lor, as discussed above, with the further reference of Kato fails to treat the claims as a whole. According to *Diamond v. Diehr*, 450 U.S. at 188-89, 209 USPQ at 9,

In determining the eligibility of respondents' claimed process for patent protection under 101, their claims must be considered as a whole. It is inappropriate to dissect the claims into old and new elements and then to ignore the presence of the old elements in the analysis. This is particularly true in a process claim because a new combination of steps in a process may be patentable even though all the constituents of the combination were well known and in common use before the combination was made.

For example, claim 41 recites “the method of claim 40, where the inferred attribute is a codec type of the device or a maximum allowable jitter or burst size associated with data that may be received by the device.” The CODEC disclosed in Kato for compressing and coding signals (column 1, lines 37-41) is disassociated with the method recited in claim 40 including “analyzing the reply message for inclusion of an attribute of the device associated with the connection session” and “inferring from the reply message the attribute that is not included in the reply message”.

The Applicant respectfully submits that it is inappropriate to reference the CODEC of Kato as rejecting claim 41 including a codec type, in isolation from and without considering the further features that are recited in independent claim 40, upon which claim 41 depends. Furthermore, the combination of the codec type with the other novel features recited by claim 40 is not disclosed by Kato alone or in combination with the further references of Iwama and Lor.

Claims 2, 15 and 28 are allowable for the same or similar reasons as claim 40, in addition to the further novel features recited in the independent claims upon which they depend.

### **CONCLUSION**

For the foregoing reasons, the Applicant requests reconsideration and allowance of claims 1-52 of the application as amended. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,



Bryan D. Kirkpatrick  
Reg. No. 53,135

MARGER JOHNSON & McCOLLOM, P.C.  
210 SW Morrison Street, Suite 400  
Portland, OR 97204  
503-222-3613

**Customer No. 20575**